

JUL 12 2004

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/681,742
Filing Date	October 7, 2003
First Named Inventor	John T. STULTS et al.
Art Unit	2878
Examiner Name	Unassigned

Total Number of Pages in This Submission

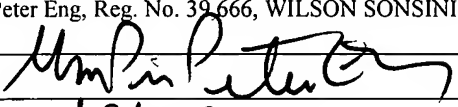
Attorney Docket Number 29191-704.201

ENCLOSURES (Check all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input checked="" type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Response to Missing Parts/Incomplete Application
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
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<input type="checkbox"/> Petition
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<input type="checkbox"/> Request for Refund
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<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	U.P. Peter Eng, Reg. No. 39,666, WILSON SONSINI GOODRICH & ROSATI
Signature	
Date	7/8/04

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as Express mail (Label No. EV333489770US) in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 8, 2004

Typed or printed name Tami O'Bryant

Signature



Date

July 8, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

Attorney Docket No. 29191-704.201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application)	<u>PATENT APPLICATION</u>
)	
Inventor(s): John T. STULTS et al.)	
)	Art Unit: 2878
Application No.: 10/681,742)	
)	Examiner: Unassigned
Filed: October 7, 2003)	
)	Confirmation No.: 8150
Title: Methods and Apparatus for Self-Optimization))	
<u>of Electrospray Ionization Devices</u>)	

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)

-- OR --

☐ (2) It is being filed within 3 months of entry of a national stage

-- OR --

☒ (3) It is being filed before the mail date of the first Office Action on the merits

-- OR --

☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

☐ a certification as specified in §1.97(e) is provided below; **or**

☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; and

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**

C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☒ Copies of each of the references listed on the attached Forms PTO-1449 are enclosed herewith. Due to the voluminous nature of the references, each reference is provided in PDF format on the attached CD ROM, clearly titled by publication number or author.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references, and the likelihood that these references are available to the Examiner in the file history of the parent application (Serial No.), copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

- ☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).
- ☒ There are no listed references which are not in the English language.
- ☐ The relevance of those listed references which are not in the English language is as follows:
- ☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.
- ☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.
- ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 29191-704).

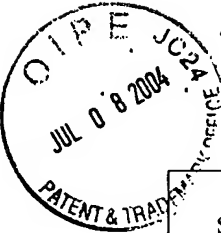
Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: 7/8/04

By: 
U.P. Peter Eng, Reg. No. 39,666

650 Page Mill Road
Palo Alto, CA 94304-1050
(650) 493-9300
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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/681,742
				Filing Date	October 7, 2003
				First Named Inventor	John T. STULTS et al.
				Art Unit	2878
				Examiner Name	Unassigned
Sheet	1	of	9	Attorney Docket Number	29191-704.201

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-4,443,319	04-17-1984	Chait et al.	
		US-4,483,885	11-20-1984	Chait et al.	
		US-5,296,114	03-22-1994	Manz	
		US-5,358,618	10-25-1994	Ewing et al.	
		US-5,393,975	02-28-1995	Hail et al.	
		US-5,423,964	06-13-1995	Smith et al.	
		US-5,599,432	02-04-1997	Manz et al.	
		US-5,624,539	04-29-1997	Ewing et al.	
		US-5,800,690	09-01-1998	Chow et al.	
		US-5,833,861	11-10-1998	Afeyan et al.	
		US-5,856,671	01-05-1999	Henion et al.	
		US-5,858,188	01-12-1999	Soane et al.	
		US-5,858,195	01-12-1999	Ramsey	
		US-5,872,010	02-16-1999	Karger et al.	
		US-5,885,470	03-23-1999	Parce et al.	
		US-5,917,184	06-29-1999	Carson et al.	
		US-5,935,401	08-10-1999	Amigo	
		US-5,958,202	09-28-1999	Regnier et al.	
		US-5,965,001	10-12-1999	Chow et al.	
		US-5,969,353	10-19-1999	Hsieh	
		US-5,993,633	11-30-1999	Smith et al.	
		US-6,001,229	12-14-1999	Ramsey	
		US-6,010,607	01-04-2000	Ramsey	
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		US-6,054,034	04-25-2000	Soane et al.	
		US-6,056,860	05-02-2000	Amigo et al.	
		US-6,068,749	05-30-2000	Karger et al.	
		US-6,086,243	07-11-2000	Paul et al.	
		US-6,110,343	08-29-2000	Ramsey et al.	
		US-6,123,798	09-26-2000	Gandhi et al.	
		US-6,139,734	10-31-2000	Settlage et al.	
Examiner Signature				Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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				First Named Inventor	John T. STULTS et al.
				Art Unit	2878
				Examiner Name	Unassigned
Sheet	2	of	9	Attorney Docket Number	29191-704.201
U.S. PATENT DOCUMENTS					
		US-6,149,870	11-21-2000	Parce et al.	
		US-6,156,181	12-05-2000	Parce et al.	
		US-6,159,739	12-12-2000	Weigl et al.	
		US-6,176,962-B1	01-23-2001	Soane et al.	
		US-6,187,190-B1	02-13-2001	Smith et al.	
		US-6,231,737-B1	05-15-2001	Ramsey et al.	
		US-6,238,538-B1	05-29-2001	Parce et al.	
		US-6,240,790-B1	06-05-2001	Swedberg et al.	
		US-6,245,227-B1	06-12-2001	Moon et al.	
		US-6,277,641-B1	08-21-2001	Yager	
		US-6,280,589-B1	08-28-2001	Manz et al.	
		US-6,284,113-B1	09-04-2001	Bjornson et al.	
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		US-6,318,970-B1	11-20-2001	Backhouse	
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		US-6,337,740-B1	01-08-2002	Parce	
		US-6,342,142-B1	01-29-2002	Ramsey	
		US-6,368,562-B1	04-09-2002	Yao	
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		US-6,409,900-B1	06-25-2002	Parce et al.	
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		US-6,417,510-B2	07-09-2002	Moon et al.	
		US-6,423,198-B1	07-23-2002	Manz et al.	
		US-6,432,311-B2	08-13-2002	Moon et al.	
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		US-6,454,924-B2	09-24-2002	Jedrzejewski et al.	
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		US-6,464,866-B2	10-15-2002	Moon et al.	
		US-6,465,776-B1	10-15-2002	Moini et al.	
Examiner Signature				Date Considered	

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				Art Unit	2878
				Examiner Name	Unassigned
Sheet	3	of	9	Attorney Docket Number	29191-704.201
U.S. PATENT DOCUMENTS					
		US-6,475,363-B1	11-05-2002	Ramsey	
		US-6,475,441-B1	11-05-2002	Parce et al.	
		US-6,481,648-B1	11-19-2002	Zimmermann et al.	
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		US-6,514,399-B1	02-04-2003	Parce et al.	
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		US-2002/0110902-A1	08-15-2002	Prosser et al.	
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		US-2002/0121487-A1	09-05-2002	Robotti et al.	
		US-2002/0123153-A1	09-05-2002	Moon et al.	
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		US-2002/1070825-A1	11-21-2002	Lee et al.	
		US-2003/0000835-A1	01-02-2003	Witt et al.	
		US-2003/0017609-A1	01-23-2003	Yin et al.	

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				Examiner Name	Unassigned
Sheet	4	of	9	Attorney Docket Number	29191-704.201
U.S. PATENT DOCUMENTS					
		US-2003/0026740-A1	02-06-2003	Staats	
		US-2003/0029724-A1	02-13-2003	Derand et al.	
		US-2003/0047680-A1	03-13-2003	Figeys et al.	
		US-2003/0066959-A1	04-10-2003	Andersson et al.	
		US-2003/0073260-A1	04-17-2003	Corso	
		US-2003/0082080-A1	05-01-2003	Zimmermann et al.	
		US-2003/0089605-A1	05-15-2003	Timperman	
		US-2003/0089606-A1	05-15-2003	Parce et al.	
		US-2003/0106799-A1	06-12-2003	Covington et al.	
		US-2003/0111599-A1	06-19-2003	Staats	
		US-2003/0146757-A1	08-07-2003	Aguero et al.	
		US-2003/0148922-A1	08-07-2003	Knapp et al.	
		US-2003/0153007-A1	08-14-2003	Chen et al.	
		US-2003/0180965-A1	09-25-2003	Yobas et al.	
		US-2004/0096960-A1	05-20-2004	Burd Mehta et al.	
Examiner Signature				Date Considered	

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Sheet	5	of	9	Attorney Docket Number	29191-704.201

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ² - Number ³ - Kind Code ⁴ (if known)				
		EP-0653631-B1	11-02-1994	Aclara BioSciences, Inc.		
		GB-2,379,554	03-12-2003	Diagnoswiss S.A.		
		WO-91/11015-A1	07-25-1991	The Rockefeller University		
		WO-96/04547-A1	02-15-1996	Lockheed Martin Energy Systems, Inc.		
		WO-96/36425-A1	11-25-1996	Cornell Research Foundation, Inc.		
		WO-00/41214-A1	07-13-2000	North-Eastern University		
		WO-00/62039-A1	10-19-2000	North-Eastern University		
		WO-02/30486-A2	04-18-2002	Fluidigm Corporation		
		WO-02/45865-A1	06-13-2002	Amersham Biosciences AB		
		WO-02/47913-A1	06-20-2002	Gyros AB		
		WO-02/55990-A2	07-18-2002	Music Foundation for Research Development		
		WO-02/80222-A1	10-10-2002	Ecole Polytechnique Federale de Lausanne		
		WO-03/54488-A1	07-03-2003	STAATS, Sau Lan Tang		
Examiner signature				Date Considered		

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				First Named Inventor	John T. STULTS et al.
				Art Unit	2878
				Examiner Name	Unassigned
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